

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
 Applicant,)
)
v.)
)
DOLGENCORP,)
)
 Respondent.)

**CIVIL ACTION NO.
1:07-cv-06672**

EMERGENCY MOTION TO STAY PENDING APPEAL

Pursuant to Fed. R. Civ. Pro. 62(c), Respondent Dolgencorp (“Dolgencorp” or “Dollar General”) moves this Court to stay Dolgencorp’s obligation to comply with the Court’s April 15, 2008 order pending appeal.

The Equal Employment Opportunity Commission (“EEOC”) instituted this action seeking enforcement of an administrative subpoena. On April 15, 2008, the Court ordered Dolgencorp to produce certain documents and information to the EEOC by April 30, 2008. Dolgencorp plans to appeal.

Dolgencorp is entitled to a stay of the Court’s order pending appeal because Dolgencorp is likely to succeed on the merits, Dolgencorp will be irreparably harmed if this matter is not stayed, the EEOC will not suffer substantial injury if the matter is stayed, and the public interest lies in favor of a stay. Thus, this Court should order this matter stayed, pending appeal.

Dolgencorp seeks emergency relief in this motion because the Court ordered it to produce the documents and information at issue by April 30, 2008. Thus, Dolgencorp is in need of an immediate stay. Dolgencorp provided notice of this motion to Jeanne Szromba, counsel for the EEOC, on April 25, 2008.

In compliance with Judge Marovich's rules, counsel for Dolgencorp contacted the Clerk's office to notify it that Dolgencorp would be filing the present motion. The Clerk's office directed counsel to Judge Marovich's case manager. Counsel left the case manager a message regarding this motion, but the case manager has been unable to return counsel's phone call. Counsel will contact the Court again on Monday in regard to this motion.

Respectfully Submitted,

By: s/Thomas L. Henderson
Thomas L. Henderson (TN Bar No. 11526)
Kristy L. Gunn (TN Bar No. 22821)
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
6410 Poplar Avenue, Ste. 300
Memphis, Tennessee 38119
Telephone: (901)767-6160
Email: Thomas.Henderson@ogletreedeakins.com
Email: Kristy.Gunn@ogletreedeakins.com

Michael D. Ray
OGLETREE, DEAKINS, NASH
SMOAK & STEWART
20 South Clark Street, 25th Floor
Chicago, IL 60603
Telephone: 312-558-1220
Fax: 312-807-3619
Email: michael.ray@odnss.com

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of April, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

Jeanne Szromba
Diane Smason
John Hendrickson
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
500 West Madison Street
Suite 2800

Chicago, Illinois 60661

AUSA
219 South Dearborn Street
Suite 500
Chicago, IL 60604

s/Thomas L. Henderson

6249665.1 (OGLETREE)